

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

TUESDAY, FEBRUARY 5, 1985

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Mitchell at 10:28 a.m. The meeting was recessed by Deputy Mayor Mitchell at 10:47 a.m. to convene as the Redevelopment Agency and to reconvene as the City Council at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Mitchell at 2:06 p.m.

Deputy Mayor Mitchell adjourned the meeting at 5:35 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Hedgecock-excused by R-262452 (vacation)

(1) Council Member Mitchell-present

(2) Council Member Cleator-present

(3) Council Member McColl-present

(4) Council Member Jones-present

(5) Council Member Struiksma-present

(6) Council Member Gotch-present

(7) Council Member Murphy-present

(8) Council Member Martinez-present

Clerk-Abdelnour (mp a.m.; bb p.m.)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Hedgecock-not present

(1) Council Member Mitchell-present

(2) Council Member Cleator-present

(3) Council Member McColl-present

(4) Council Member Jones-present

(5) Council Member Struiksma-present

(6) Council Member Gotch-present

(7) Council Member Murphy-present

(8) Council Member Martinez-present

COMMUNICATION: REFERRED TO THE PUBLIC FACILITIES AND
RECREATION COMMITTEE

Sunset Cliffs Park demolition and erosion control - Villa
Surf.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B012-C074.)

MOTION BY CLEATOR TO CONTINUE FOR 30 DAYS AND REFER TO THE PUBLIC FACILITIES AND RECREATION COMMITTEE. Second by McColl.

Withdrawn.

MOTION BY CLEATOR TO PROCEED WITH DEMOLITION OF THE BUILDING AND HAVE COMMUNITY COMMITTEE(S) CONFER WITH THE PUBLIC FACILITIES AND RECREATION COMMITTEE ON FUTURE UTILIZATION OF THE SITE.

Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-nay, Jones-yea, Struiksmayea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

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ITEM-330: (R-85-1555) ADOPTED AS RESOLUTION R-262451 GRANTING APPEAL

Appeal of Frances J. and Paul R. Crouch from the decision of the Board of Zoning Appeals in denying the amended request to maintain approximately 70'-3" of maximum 6'-1 1/2" high wood fence observing 0'-0" street side yard on Collura Street where 15'-0" is established, and approximately 15'-0" of this fence is from 0'-1" to 0'-3" within the public right-of-way. The subject property is located at 5099 Chollas Parkway in the R1-5000 Zone and is more particularly described as Lot 197, O.D. Arnolds Hazelwood Heights No. 3, Map-3155.
(Case-C-18555. District-3.)

Today's action is adoption of a Resolution granting or denying the appeal and the variance with appropriate findings to support Council action.

FILE LOCATION: ZONE Zoning Appeal C-18555

COUNCIL ACTION: (Tape location: A029-238.)

Hearing began at 10:29 a.m. and halted at 10:46 a.m.

Testimony in favor by Jeff Edward Johnson.

Motion by McColl to grant the appeal and to approve the zero set-back. Second by Struiksmayea. No vote taken.

MOTION BY MCCOLL TO CLOSE THE HEARING, GRANT THE APPEAL AND THE VARIANCE, AND REQUIRE THE APPLICANT TO EITHER SIGN A LIABILITY AGREEMENT REGARDING THE INTRUSION OF THE FENCE INTO THE PUBLIC RIGHT-OF-WAY OR REMOVE THE FENCE FROM THE PUBLIC RIGHT-OF-WAY.

Second by Cleator. Passed by the following vote: Mitchell-nay, Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-331: CONTINUED TO FEBRUARY 19, 1985, 10:00 A.M.

A request to rezone a portion of Section 28, Township 18 South, Range 2 West, S.B.B.M. (approximately 2.33 acres), located on the south side of Palm Avenue between I-5 and Hollister Street in the Otay Mesa-Nestor Community Plan area, from Zones C and R-3000 to Zone R-1500.
(Case-84-0681. District-8.)

Subitem-A: (R-85-1224)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-84-0681 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-85-107)

Introduction of an Ordinance for R-1500 Zoning.

FILE LOCATION: ZONE ORD. NO.

COUNCIL ACTION: (Tape location: A010-021.)

MOTION BY MARTINEZ TO CONTINUE TO FEBRUARY 19, 1985, 10:00 A.M., AT THE REQUEST OF THE APPLICANT. Second by Jones. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-332: REFERRED TO PLANNING DEPARTMENT

Rezoning Lot 805, Bay Terraces No. 7, Map-6910 (approximately 9.37 acres), located on the south side of Paradise Valley Road between Woodman and Potomac Streets, in the South Bay Terraces Community Plan area, from Zone CA-RR to Zone CA.
(Case-84-0346. District-4.)

Subitem-A: (R-85-1223)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-84-0346 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-85-106)

Introduction of an Ordinance for CA Zoning.

FILE LOCATION: ZONE ORD. NO.

COUNCIL ACTION: (Tape location: A023-027.)

MOTION BY JONES TO REFER TO THE PLANNING DEPARTMENT AT THE DEVELOPER'S REQUEST. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-333: (R-85-1458) ADOPTED AS RESOLUTION R-262453 DENYING APPEAL AND MAP

(Continued from the meetings of October 23, 1984, and January 22, 1985; last continued at Attorney Dawson's request.)

Appeal of Russell and Lola Hill, by Gerald M. Dawson, Attorney, from the decision of the Planning Commission in denying Tentative Map TM-83-0325, which proposes a two-lot parcel map of Lot 393, Western Hills, Unit 4, Map-3672, together with Illion Street as vacated. The subject property is located on the west side of Penrose Street south of Penrose Court and east of Illion Street, in Zone R1-5000 and within the boundaries of the Clairemont Mesa Community Plan.

(TM-83-0325. District-6.)

Today's action is granting or denying the appeal and the map with appropriate findings to support Council action.

FILE LOCATION: SUBD - Western Hills Unit 4, Lot 393, Map 3672

COUNCIL ACTION: (Tape location: C075-D169.)

Hearing began at 2:59 p.m. and halted at 3:44 p.m.

Council Members Cleator and McColl entered at 3:08 p.m.

Council Member Cleator left at 3:20 p.m.

Testimony in favor of appeal by Gerald M. Dawson.

Testimony in opposition of appeal by F. Shaun Burns, Eileen Hope, Betty Maynard, and Tom Becca.

MOTION BY MARTINEZ TO CLOSE THE HEARING AND DENY THE APPEAL AND MAP. Second by Struiksma. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-334:

Matters of:

- a) Proposal to approve the Southeast Interim Design Review Ordinance; and
- b) An extension of District 4 Emergency Ordinance until

such time as the Southeast Interim Design Review Ordinance is in effect.

The present District 4 Emergency Ordinance and the proposed Southeast Interim Design Review Ordinance applies to properties within the Southeast Community Plan area and the Skyline/Paradise Hills Community Plan area excluding the South Bay Terraces Community Plan area as established by the City Council-approved Planning Group Bylaws for these areas, on file with the City Planning Department. These areas lie generally east of I-5, south of State Highway 94, south and west of the City of Lemon Grove, west of the unincorporated county area of Spring Valley, north of the South Bay Freeway, and east and north of the City of National City. The Southeast Interim Design Review Ordinance is proposed to take the place of the present District 4 Emergency Ordinance and would be in effect until such time as permanent design regulations are adopted for the ordinance area.

(District-4.)

Subitem-A: (O-85-115) INTRODUCED AS AMENDED, TO BE
RE-INTRODUCED FEBRUARY 19, 1985

Introduction of an Ordinance limiting the issuance of building permits and commencement of construction of projects within Southeast San Diego.

Subitem-B: (O-85-117) INTRODUCED, DISPENSED WITH THE
READING, AND ADOPTED AS ORDINANCE
O-16370 (New Series)

Introduction and adoption of an Ordinance extending the period during which provisions of Ordinance O-16332 (NS) shall apply.

(NOTE: Six votes required.)

FILE LOCATION:

Subitem B LAND - Southeast San Diego
Community Plan

COUNCIL ACTION: (Tape location: D170-E501.)

Hearing began at 3:45 p.m. and halted at 4:48 p.m.

Testimony in favor by Brenda Canizalez, Reynaldo Pisaco, and Verna M. Quinn.

Testimony in opposition by Wesley L. Stark, Jr., Bishop Floyd E. Nelson, Manual Ramos, Paul Elam, Chesley Manock, Herman Rhodes, and Dino Polselli.

MOTION BY JONES TO INTRODUCE SUBITEM A TO 1) INCLUDE CERTAIN PORTIONS OF DISTRICTS 3 AND 8 IN THE COMMUNITY PLAN AREA; 2) CHANGE THE NAME OF THE SOUTHEAST INTERIM DESIGN REVIEW ORDINANCE AND APPLY TO THE FORTHCOMING FINAL ORDINANCE; 3) FINAL ORDINANCE TO INCLUDE DESIGN REVIEW FOR SINGLE-FAMILY CONSTRUCTION FOR SINGLE-FAMILY MOVE-ONS ON SINGLE-FAMILY ZONED LOTS; AND 4) DIRECT PLANNING DEPARTMENT TO SUBMIT TO TRANSPORTATION AND LAND USE COMMITTEE WITHIN 30 DAYS AN INTERIM PROGRESS REPORT ON URBAN DESIGN STANDARDS WITH A TIMETABLE THAT INCLUDES TRANSPORTATION AND LAND USE COMMITTEE, PLANNING COMMISSION REVIEW, AND COUNCIL ADOPTION; AND INTRODUCE, DISPENSE WITH THE READING AND ADOPT SUBITEM B. Second by Struiksma. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-335:

Proposal to amend Chapter X (Planning and Zoning Regulations), of the San Diego Municipal Code, by adding sections which would require that a Conditional Use Permit (CUP) be received from the City Zoning Administrator for any building which was previously constructed, used, and/or occupied on a lot other than the lot on which the building is to be placed ("Move-ons").

Subitem-A: (R-85-1340) ADOPTED AS RESOLUTION R-262454

Adoption of a Resolution requesting the City Manager, City Attorney and Planning Director to pursue enforcement and legal action against violations of the San Diego Municipal Code sections pertaining to move-on buildings and to review staffing needs for such enforcement.

Subitem-B: (O-85-123) INTRODUCED, TO BE ADOPTED FEBRUARY 19, 1985

Introduction of an Ordinance amending the San Diego Municipal Code by adding Section 101.0506.8 to provide a procedure for issuance of a land use permit for relocation of buildings or structures.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E502-F548.)

Hearing began at 4:49 p.m. and halted at 5:30 p.m.

Testimony in favor by Jewel Simons.

Testimony in opposition by Lorraine Jeanes, John Lofton, Paul

Elma, Herman Rhodes, Bill Richardson, and Les Lusby.

MOTION BY JONES TO ADOPT SUBITEM A AND INTRODUCE SUBITEM B WITH 1) CITY MANAGER AND PLANNING DEPARTMENT TO REVIEW THE ISSUES OF STAFFING, CODE ENFORCEMENT, ANY BUDGETARY IMPLICATIONS WITH PRIORITIES FOR EXPENDITURES, AND RETURN TO COUNCIL WITHIN 30 DAYS; AND 2-A) DIRECT BUILDING INSPECTION DEPARTMENT TO REVIEW WITH OTHER LOCAL COMMUNITIES AND THE COUNTY OF SAN DIEGO THEIR PROCESSING OF RELOCATION PERMITS TO ASSIST THE CITY IN REDUCING ITS TIME SPAN TO APPROXIMATELY 10 DAYS; B) TO ALLOW THE CITY TO CLEAN UP PROPERTIES WHICH HAVE BEEN ABANDONED FOR A CERTAIN PERIOD OF TIME USING POSTED BOND MONIES THAT HAVE BEEN SET-UP IN A REVOLVING FUND RATHER THEN LETTING THE BOND MONIES REMAIN INACTIVE; C) THE POSSIBILITY OF A LIEN ON PROPERTIES TO BE RECORDED WITH THE COUNTY RECORDER; AND D) THE POSSIBILITY OF ADDING EXTRA STAFF TO ACCOMPLISH THE ABOVE. Second by

Struiksmma. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksmma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

MOTION BY McCOLL TO EXTEND THE TIME OF THE MEETING PAST 5:30 P.M. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksmma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-UC-1: (R-85-1457) ADOPTED AS RESOLUTION R-262452

A Resolution presented to the City Council with UNANIMOUS CONSENT:

Excusing Mayor Roger Hedgecock from the City Council meetings of Monday, February 4, 1985, and Tuesday, February 5, 1985, for the purpose of vacation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A239-250.)

MOTION BY CLEATOR TO ADOPT. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-UC-2: (R-85-1456) ADOPTED AS RESOLUTION R-262455

A Resolution presented to the City Council with UNANIMOUS CONSENT:

Excusing Council Member Ed Struiksmma from the Public Facilities and Recreation meeting of Wednesday, January 23,

1985, due to personal illness.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape Location: F549-552.)

MOTION BY STRUIKSMA TO ADOPT. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-CS-1: (R-85-1399) ADOPTED AS RESOLUTION R-262456

A Resolution adopted by the City Council in Closed Session on February 5, 1985:

Authorizing the City Manager to pay the total sum of \$5,588.44 in settlement of each and every claim against the City, its agents and employees, resulting from the property damage to the residence owned by E. E. Benedict; authorizing the City Auditor and Comptroller to issue one check in the amount of \$4,588.44 made payable to Luth & Turley, Inc. The City had previously settled Mr. Benedict's personal property claim for \$1,000.00. Aud. Cert. 85676.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Mitchell at 5:35 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F561).

MOTION BY GOTCH TO ADJOURN IN HONOR OF THE MEMORY OF MEGAN JOHNSON, ROBERT F. WILCOX, AND ROBERT J. ZUMWALT, JR. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.